



**THE COUNCIL OF THE CITY OF BINGHAMTON
STATE OF NEW YORK**

Date: December 18, 2013

Sponsored by Council Members: Motsavage, Webb, Rennia

Introduced by Committee: Municipal and Public Affairs

LOCAL LAW No __ of 2013

entitled

**A LOCAL LAW TO ESTABLISH A PUBLIC
ARTS COMMISSION**

WHEREAS, the City of Binghamton wishes to establish a Public Arts Commission; and

WHEREAS, the Council of the City of Binghamton wishes to amend §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval*; and

WHEREAS, to establish a Public Arts Commission, City Council wishes to adopt a new Article XVIII, *Public Arts Commission*, as annexed hereto.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval* of the Code of the City of Binghamton, are hereby amended, as annexed hereto.

Section 2. That the Code of the City of Binghamton is amended to add Article XVIII, *Public Arts Commission*, as annexed hereto and made a part hereof.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

Introductory No. _____

Permanent No. _____

Sponsored by City Council Members:
Motsavage, Webb, Rennia

A LOCAL LAW TO ESTABLISH A PUBLIC ARTS
COMMISSION

The within Local Law was adopted by the Council of
the City of Binghamton.

Date

City Clerk

Date Presented to Mayor

Date Approved

Mayor

	Ayes	Nays	Abstain	Absent
Motsavage				
Mihalko				
Rennia				
Webb				
Papastrat				
Matzo				
Berg				
Total				

☐ Code of the City of Binghamton

☐ Adopted ☐ Defeated

_____ Ayes _____ Nays _____ Abstain _____ Absent

Strikethrough text to be removed, underlined text to be added.

ARTICLE VI, Commission on Architecture and Urban Design.

§ 18-39. Commission established; composition; appointment and qualification of members. [Amended 7-16-1973 by Ord. No. 149-73; Amended 12-21-11 by Ord. No. 11-52; Amended 10-17-2012 by Ord. No. 12-66]

To prevent the deterioration of property belonging to the City or property in which any City funds are involved and to advise builders to designers in regard to the use of space and the design of structures and to encourage protection of economic values and proper and appropriate use of surround areas, there is hereby established in and for the City a commission to be known as the "Commission on Architecture and Urban Design of the City of Binghamton." This Commission shall consist of seven (7) persons who shall be residents of the City or owners of real property situated therein, and who shall be appointed by the Mayor. Persons eligible for membership shall be persons who, by training, experience, interest or expertise, are qualified to carry out the duties of the Commission as set forth herein. The membership should include, if such persons are available and agreeable to serving, ~~a trained and experienced artist,~~ a professional engineer or contractor, an architect, and a landscape architect or an expert in the field of landscaping. Each member of the Commission on Architecture and Urban Design shall be paid an annual stipend of four hundred (\$400.00) dollars. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining the Commission on Architecture and Urban Design other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*; § 16-1, *Application*; § 16-2, *Determination of vacancy*; or § 410-91.D, *Removal of members*, shall not be paid for any missed meetings leading to dismissal.

§ 18-47. Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition.

- A. No design for a building, bridge, approach, gate, step, fence, lamp, or other structure or addition which shall be erected upon any street or property owned, leased, or occupied by the City, or involving the use of funds or monies of or from the City, shall be implemented without the approval of the Commission. ~~No work of art shall be erected or placed on or upon any street, park, public building or other property belonging to the City until the same and its proposed location have been approved by the Commission. No work of art or public structure may be removed, demolished, relocated or altered in any way without the approval of the Commission. The term "work of art" shall include but is not limited to paintings, mural decorations, stained glass, statues, reliefs and other sculptures, fountains, arches or other structures of a permanent character intended for ornamentation or commemoration.~~
- B. The Commission shall also consider the location of structures ~~and works of art~~ and may make recommendations for changes in location thereof.
- C. The Commission may recommend that works of art be a part of any new construction under their purview and may require that up to 1% of the total cost of construction be used for works of art. The review and approval of such art shall be under the authority of the Public Art Commission, as established in Article XVIII below.

~~F. Works of art acquired in any way by gift, bequest, or purchase by a museum shall not come within the jurisdiction of the Commission.~~

§ 18-48. Factors considered prior to approval.

In considering applications for the approval, and in the recommendation of designs for buildings or structures ~~and works of art~~ as set forth in this article, the Commission shall review all material submitted to it, taking into consideration, but not limited to, the following factors:

- A. The location of the building, structure, or sign ~~or work of art~~ on the site or street.
- C. The relation of the building, or structure ~~or work of art~~ to adjacent open space or spaces, including adjoining property, both private and public, including streets.
- D. The form and bulk of the building, or structure ~~or work of art~~ in association with other nearby structures.
- F. The placing of buildings, ~~works of art~~, or other structures in existing or newly created public open spaces, including parks.

ARTICLE XVIII, Public Art Commission

§18-115. Creation.

The City Council of the City of Binghamton hereby creates a commission that shall be known as the " Public Art Commission," hereinafter referred to as "the Commission." The Commission is formed to make decisions concerning the selection, acquisition, and display of public art.

§ 18-116. Purpose and duties.

The purposes and duties of the Commission shall be as follows:

- A. To create and oversee a public art program to enrich the visual and aesthetic environment of public, private and semipublic spaces within the City of Binghamton.
- B. To initiate and develop proposals, to receive recommendations and to solicit contributions for additions to the existing collection of art in public places.
- C. To develop criteria and guidelines for the selection, acquisition, exhibition and display of new works of art, either temporary (on loan) or permanent. The criteria and guidelines shall relate to, but are not limited to, economic feasibility, maintenance, security and aesthetics. Acquisition of art includes either the purchase of art by the City or the acceptance of a donation of art to the City.
- D. To advise the Common Council about the selection of acquisitions and donations of public art that meet the selection criteria and guidelines and to determine whether to accept unsolicited donations of art and where they may be located. Final approval of acceptance resides with the Common Council and the Mayor.
- E. To review all proposals for the exhibition and display of public art in the City's public spaces, in public buildings, and public facilities and infrastructure.
- F. Appropriate locations and elements of the environment that the Commission will consider or promote for the placement of public art may include but will not be limited to:
 - 1. Outdoor public spaces.
 - 2. Publicly owned buildings, interior and exterior.

3. The Commission will work with the owners of privately owned outdoor public space if requested by the owner.
 4. The Commission will work with the owners of privately owned semipublic interior spaces, if requested by the owner.
 5. The Commission will work to develop new and maintain existing public works projects, e.g., parking facilities, bridge improvements and lighting, acting in cooperation with other City departments.
- G. To review proposals for decorative elements in the City's public spaces, e.g. banners and fountains. The Commission shall provide advice on the location and aesthetics of these items.

§18-117. Historic Properties.

Any public art proposed to be located on the exterior of any designated historic property, either individually designated Local Landmark Properties or properties located in a designated Local Historic District, shall be subject to review and approval by the Commission on Architecture and Urban Design (CAUD) as set forth in Article XII above.

§ 18-118. Membership.

- A. The Commission shall consist of a total of seven (7) members: five (5) voting members, all of whom shall be appointed by the Mayor; and two non-voting ex-officio members. All five (5) voting members shall be residents of the City of Binghamton. At least three (3) of the voting members shall be professionals from the field of design, visual arts, architecture or landscape architecture. The Executive Director of the Broome County Council of Arts, or designee, shall serve as a non-voting ex-officio member. A representative from the Gorgeous Washington Street Association shall serve as a non-voting ex-officio member.

§ 18-119. Terms of office; vacancies.

- A. The five (5) members shall be appointed for terms of three (3) years, except that the terms of the first Commission members shall be for such lesser periods of time as to provide appropriate staggered rotation and continuity.
- B. Vacancies on the Commission shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by expiration of term of office shall be filled only for the remainder of the unexpired term.

§ 18-120. Officers.

The Commission shall have a Chairperson and a Vice Chairperson, who shall be elected by and from among the members of the Commission once yearly.

§ 18-121. Compensation of members.

The members of the Commission shall receive no compensation for their services.

§ 18-122. Meetings.

- A. A quorum for the transaction of business shall consist of three (3) members of the Commission.
- B. The Commission shall meet at least every other month.
- C. The Commission shall adopt rules and procedures for its meetings. It shall keep accurate records of its meetings and activities.